

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RONALD SMITH,)	
)	
Plaintiff,)	
)	
vs.)	
)	No. 05-0105-CV-W-FJG
)	
DEN-TEX, INC. d/b/a DENNY'S,)	
)	
Defendant.)	

ORDER

Currently pending before the Court is plaintiff's Motion in Limine (Doc. # 42). Plaintiff requests that the Court enter an order preventing defendant, its counsel and witnesses from discussing, referring to or testifying about two matters: 1) any and all statements by Sharon Crowley about plaintiff or plaintiff's performance or plaintiff's alleged refusal to serve the entire menu until midnight. Plaintiff states that defendant has not listed Ms. Crowley as a witness. Plaintiff also seeks to have excluded: 2) any and all statements about plaintiff's charge of driving while intoxicated in 1993. Plaintiff states that this charge is remote in time, is not related to her FMLA employment claim and that any probative value would be outweighed by the danger of undue prejudice.

Defendant filed no opposition to plaintiff's Motion in Limine. Accordingly, for good cause shown and with no opposition indicated, the Court hereby **GRANTS** plaintiff's Motion in Limine (Doc. # 42).

Date: July 25, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge